

Application No. 09/735401
Page 5

Amendment
Attorney Docket No. S63.2N-11056-US03

Remarks

This Amendment is in response to the Office Action dated **October 9, 2003**. In the Office Action, claims 83 and 84 were withdrawn from consideration as being directed to a non-elected invention. Claims 61, 64, 65, 68-71, and 76-78 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fontaine (5,370,683) in view of Alfidi et al. (3,868,956). Claims 72-75 and 79-82 were rejected under 35 U.S. C. 103(a) as being unpatentable over Fontaine (5,370,683) in view of Alfidi et al. (3,868,956) as applied to claims 61, 64, 65, 68-71 and 76-78 above, and further in view of Martin et al. (5,397,355). Claims 61, 64, 65 68-71 and 76-78 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (5,593,442) in view of Alfidi et al. (3,868,956). Claims 72-75 and 79-82 were rejected under 35 U.S. C. 103(a) as being unpatentable over Klein (5,593,442) in view of Alfidi et al. (3,868,956) as applied to claims 61, 64, 65, 68-71 and 76-78 above, and further in view of Martin et al. (5,397,355). These rejections will be addressed under the heading 35 U.S.C. 103(a) below. New claim 85 has been added. Claims 61 and 65 have been amended. No new matter has been added to the claims.

35 U.S.C. 103(a)

Claims 61, 64, 65, 68-71, and 76-78 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fontaine (5,370,683) in view of Alfidi et al. (3,868,956). Claims 61 and 64 have been amended without prejudice or disclaimer to recite struts having a substantially erythrocyte shaped cross-section. This cross-sectional shape is not disclosed in either Fontaine or Alfidi. For this reason applicant respectfully request that the rejection of these claims be withdrawn.

Claims 72-75 and 79-82 were rejected under 35 U.S. C. 103(a) as being unpatentable over Fontaine (5,370,683) in view of Alfidi et al. (3,868,956) as applied to claims 61, 64, 65, 68-71 and 76-78 above, and further in view of Martin et al. (5,397,355). These claims are allowable for the same reasons as addressed in the above paragraph in that Marin et al also does not disclose a erythrocyte shaped cross-section. For this reason applicant respectfully request that the rejection of these claims be withdrawn.

Claims 61, 64, 65 68-71 and 76-78 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (5,593,442) in view of Alfidi et al. (3,868,956). As discussed above,

Application No. 09/735401
Page 6

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CONCLUSION

In light of the above, early notification that the pending claims 61, 64, 65, 68-75, 76-82, and 85 are in condition for allowance is earnestly solicited.

Respectfully submitted,

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